

Attorney Docket No. 59150-80 0

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Yasufumi Kaneda

SERIAL No.: 09/937,839

FILED: February 21, 2002

FOR: VIRUS ENVELOPE VECTOR FOR GENE
TRANSFER

EXAMINER: Whiteman

ART UNIT: 1635

CONFIRMATION No.: 7050

Declaration Under 37 CFR §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Yasufumi Kaneda, declare and affirm as follows:

1. I am the inventor of the subject matter described and claimed in U.S. Patent Application Serial No. 09/937,839, filed February 21, 2002, entitled VIRUS ENVELOPE VECTOR FOR GENE TRANSFER.

2. I am co-inventor of U.S. Patent No. 6,472,375 filed August 31, 1998 and issued October 29, 2002, entitled "DNA Vaccine and Methods for Its Use", hereafter "the '375 patent." The patent includes as a co-inventor Dave S.B. Hoon.

3. The '375 patent discloses, but does not claim, an immunization protocol including "[t]he HVJ was treated with detergent, heat and UV light inactivating any pathogenic effects in the host" (Col. 9, lines 15-16).

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4. I hereby declare and affirm that I conceived the subject matter disclosed in the '375 patent and relied on in the rejection as described in point 3, above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Nov. 11, 2004

Date


Yasufumi Kaneda